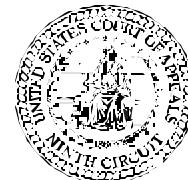




Cathy A. Catterson
Clerk of Court

Office of the Clerk
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
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May 15, 2002

**Notice and Opportunity for Comment on
Proposed Amendments to the Rules of Judicial Misconduct**

Comments are invited on the following proposed amendments to Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability, specifically, Rules 4, 10 & 16. **New or amended language is in bold print and underlined**. Comments should be submitted to Cathy A. Catterson, Clerk of Court/Circuit Court Executive, no later than **June 21, 2002**.

Purpose of the amendments: PALS, or the Private Assistance Line Service, is a confidential 24-hour telephone assistance line available to judges and designated family members and staff seeking assistance with disabilities. Relevant portions of the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability should be amended to note the confidentiality of PALS communications.

CHAPTER II: REVIEW OF A COMPLAINT BY THE CHIEF JUDGE

RULE 4. REVIEW BY THE CHIEF JUDGE

(a) Purpose of chief judge's review. When a complaint in proper form is sent to the chief judge by the clerk's office, the chief judge will review the complaint to determine whether it should be

(1) dismissed

(2) concluded on the ground that corrective action has been taken or that action on the complaint is no longer necessary because of intervening events, or

(3) referred to a special committee.

(b) Inquiry by chief judge. In determining what action to take, the chief judge may conduct a limited inquiry for the purpose of determining (1) whether appropriate corrective action has been or can be taken without the necessity for a formal investigation, and (2) whether the facts stated in the complaint are either plainly untrue or are incapable of being established through investigation. For this purpose, the chief judge may request the judge whose conduct is complained of to file a written response to the complaint. Such response will not be made available to the complainant unless authorized by the responding judge. The chief judge or his or her designee may also communicate orally or in writing with the complainant, the judge whose conduct is complained of, and other people who may have knowledge of the matter, and may review any transcripts or other relevant documents. **All communications and records maintained pursuant to the Private Assistance Line Service (“PALS”) are confidential and the chief judge shall not seek any information from the PALS providers without the prior written consent of the judge who is the subject of the inquiry.**

* * * *

RULE 10. CONDUCT OF AN INVESTIGATION

(a) Extent and methods to be determined by committee. Each special committee will determine the extent of the investigation and the methods of conducting it that are appropriate in the light of the allegations of the complaint. If, in the course of the investigation, the committee develops reason to believe that the judge may have engaged in misconduct that is beyond the scope of the complaint, the committee may, with written notice to the judge, expand the scope of the investigation to encompass such misconduct. **All communications and records maintained pursuant to the Private Assistance Line Service (“PALS”) are confidential and the special committee shall not seek any information from the PALS providers without the prior written consent of the judge who is the subject of the inquiry.**

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CHAPTER VI: MISCELLANEOUS RULES

RULE 16. CONFIDENTIALITY

(a) General rule. Consideration of a complaint by the chief judge, a special committee, or the judicial council will be treated as confidential business, and information about such consideration shall not be disclosed by any person in any proceeding except in accordance with these rules.

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